

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

AEGIS 42, LLC,
KORILLA LLC,
KOMMISSARY LLC,
3E LLC,
KOAOST LLC, AND
GRAND KOAOST LLC,

Case Nos. 19-47698 (ESS)
20-40268 (ESS)
20-40802 (ESS)
20-40804 (ESS)
20-40805 (ESS)
20-40806 (ESS)

(Jointly Administered)

Debtors.
.....X

ORDER GRANTING MOTION TO REMAND

WHEREAS, on December 23, 2019, AEGIS 42, LLC filed a petition for relief under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on January 14, 2020, Andrew Chang, Eric Yu, Paul Lee, Thomas Yang, and Stephen Park (the “Movants”) filed a motion seeking to dismiss the case under Bankruptcy Code Section 1112(b), based on bad faith and abstention principles, and to remand the case of *Park v Song* filed in New York State Supreme Court, New York County under Index No. 650186/2017 **(the “State Court Proceeding”)**, back to the state court (the “Motion to Remand”); and

WHEREAS, on January 31, 2020, ~~the Debtor~~ **AEGIS 42, LLC** filed opposition to the Motion for Remand; and

WHEREAS, on January 15, 2020, KORILLA, LLC and on February 6, 2020, KOMISSARY LLC, 3E LLC, KOAOST LLC and GRAND KOAOST LLC also filed **a petition** for relief under Chapter 11 of the Bankruptcy ~~code~~ **Code (the “Related Cases”)**; and

WHEREAS, on May 15, 2020, the Court consolidated the **Related Cases** with the Aegis 42 LLC case; **and**

WHEREAS, on May 29, 2020, the Movants commenced an adversary proceeding, case number 20-01056-ess, by filing a notice to remove the State Court Proceeding to this Court;
and

WHEREAS, on June 18, 2020, the Debtors filed a motion to convert this case to one under Chapter 7 of the Bankruptcy Code (the “Motion to Convert”); and

WHEREAS, on July 23, 2020, the Court held hearings on the Motion to Remand and the Motion to Convert, at which the Debtors and the Movants appeared and were heard; and

WHEREAS, on July 28, 2020, the Court entered an order granting the Motion to Convert and converting this case to one under Chapter 7 of the Bankruptcy Code; and

WHEREAS, on September 15, 2020, the Court held a continued hearing on the Motion to Remand, at which the Movants appeared and were heard, and the Debtors did not appear; and

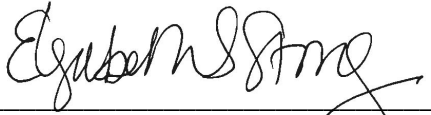
WHEREAS, on October 20, 2020, the Court held a continued hearing on the Motion to Remand ~~on October 20, 2020, and~~ at which the Movants and the Debtors ~~appeared at such~~ hearing and were heard, and the Debtors indicated that ~~it did~~ they do not object to the granting of the ~~remand motion~~ Motion to Remand, and no other party appeared in opposition thereto.

NOW, THEREFORE, it is hereby

ORDERED, that the ~~motion to remand the case of Park v. Song~~ State Court Proceeding is remanded to the New York State Supreme Court (~~Index No. 650186/2017~~) ~~is hereby granted~~.

Dated: Brooklyn, New York
November 5, 2020




Elizabeth S. Stong
United States Bankruptcy Judge